

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAVID ALLEN GILLUM,

Plaintiff,

v.

DEAN OWENS, et al.,

Defendants.

CASE NO. 2:19-cv-01859-RSM-BAT

**ORDER STRIKING PLAINTIFF'S  
MOTION TO SET FOR TRIAL AS  
MOOT, DIRECTING DEFENDANTS  
TO COMPLY WITH  
OUTSTANDING DISCOVERY  
REQUESTS, AND DIRECTING  
PLAINTIFF TO FILE AN  
AMENDED COMPLAINT BY  
NOVEMBER 20, 2020**

*Pro se* plaintiff moves to set this matter for trial. Dkt. 56. The Court **STRIKES** that motion as mooted (that is, rendered unnecessary) by Chief Judge Martinez's Order Adopting the Report and Recommendation. Dkt. 57; *see* Dkt. 53.

Plaintiff earlier sought to compel discovery but had submitted his requests too late given the discovery cutoff date. Dkts. 50, 51. The Court will be resetting the discovery deadline once plaintiff has filed his amended complaint. The Court **DIRECTS** defendants to comply with plaintiff's outstanding discovery requests if they have not already done so.

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1 As noted in Chief Judge Martinez's Order and the Report and Recommendation, certain  
2 claims and defendants were dismissed and plaintiff was afforded the opportunity to file an  
3 amended complaint. Dkts. 53, 57. **The Court DIRECTS plaintiff to file an amended**  
4 **complaint consistent with the Order and Report and Recommendation by November 20,**  
5 **2020.** Plaintiff's failure to file an amended complaint by that time could be considered an  
6 admission that plaintiff no longer seeks to pursue this case.

7 The Clerk shall provide a copy of this order to the parties

8 DATED this 21st day of October, 2020.

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11 BRIAN A. TSUCHIDA  
Chief United States Magistrate Judge

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